

## POLICY

The Arizona Department of Transportation assures full compliance with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. Title VI of the Civil Rights Act requires that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the Arizona Department of Transportation. Related nondiscrimination statutes added sex, age, and disability. A program or activity is defined as all of the operations of a department or agency of a State government.

## ASSURANCES

The State of Arizona (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Arizona DOT hereby gives the following specific assurances with to its Federal-aid Highway Program.

1. That the Arizona DOT agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23 (b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Arizona DOT shall insert the following notifications in all solicitations for bids for work or material subject to the Regulations

and made in connection with all Federal-aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The State of Arizona, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age, or disability in consideration for an award.

3. That the Arizona DOT shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Arizona DOT shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Arizona DOT constructs a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Arizona DOT acquires real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the Arizona DOT shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Arizona DOT with other parties: (a) for the subsequent transfer of real property acquired or improved under the State Transportation Improvement Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the State Transportation Improvement Program.

8. That this assurance obligates the Arizona DOT for the period during which Federal financial assistance is extended, except where the Federal financial assistance is to provide, or is in the form of, personal

property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Arizona DOT or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Arizona DOT retains ownership or possession of the property.

9. The Arizona DOT shall provide for such methods of administration for the program as are found by the Secretary of Transportation of the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Arizona DOT agrees that the United States has right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Arizona DOT by the Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in the interest and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Arizona DOT.

DATED \_\_\_\_\_

ARIZONA DOT

\_\_\_\_\_  
(Signature of Authorized Official)

Attachments

Appendices A, B, and C

Department of Transportation

## APPENDIX A

During the performance of this contract, the contractors, for itself, its assignees and successors in the interest (hereinafter referred to as the “contractor”) agrees as follows:

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (herein, “DOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of face, color, national origin, gender, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligation under this contract and the Regulations relative to nondiscrimination on the grounds of face, color, national origin, gender, age, or disability.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts other sources of information, and its facilities as may be determined by the State of Arizona or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State of Arizona, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State of Arizona shall imposed such contract sanctions

as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies and/or
- (b) cancellation, termination or suspension of the contract in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State of Arizona or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State of Arizona to enter into such litigation to protect the interests of the State of Arizona, and, in addition, the contractor may require the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Arizona will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat.; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of Arizona all the right, title and interest of the Department of Transportation in and to said lands described to Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the State of Arizona and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Arizona, its successors and assigns.

The State of Arizona, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, the (1) no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, and (2) that the State of Arizona shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal

Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall hereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI in the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the State of Arizona pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that in the event facilities are constructed, maintained or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land the facilities thereon, and hold the same if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to re-enter such lands and facilities shall revert to and vest in and become the absolute property of the State of Arizona and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreement entered into by the State of Arizona pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the grounds of race, color, national origin, gender, age, or

disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color, national origin, gender, age, or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Arizona and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI in the Civil Rights Act of 1964.

## ARIZONA DEPARTMENT OF TRANSPORTATION

### TITLE VI OPERATING PROCEDURES

#### STAFFING

The Arizona Department of Transportation has established a Civil Rights Office to administer civil rights related programs. The Civil Rights Office is a part of the Transportation Services Group, which reports to the Chief of Staff. The Civil Rights Administrator has direct access to the Director and Deputy Director. Organizational charts for the agency and for the Civil Rights Office are attached.

Title 23 of the Code of Federal Regulations, part 200.9 (b)(2), requires state departments of transportation to have an adequately staffed civil rights unit. The Civil Rights Office is staffed by the Administrator, an Equal Opportunity Specialist IV, three Equal Opportunity Specialists III, an Equal Opportunity Specialist II, an Administrative Secretary and a half-time clerical aide. All of the professionals participate in investigations when needed.

The Civil Rights Administrator serves as the Title VI Coordinator. The Administrator is responsible for initiating and monitoring Title VI activities and preparing reports. The Administrator is assisted by one of the Equal Opportunity Specialists.

The department has elected to use the interdisciplinary approach to implementing its Title VI program. The Title VI Team is composed of liaisons from relevant program areas: Transportation Planning, Environmental Planning, Engineering Consultant Services, Right of Way, and Contracts and Specifications. In some cases, there is more than one liaison. The liaisons meet on a quarterly basis and more often if necessary. The team assists in conducting reviews, investigating complaints, and defining issues. Some of the metropolitan planning organizations have also appointed liaisons.

The Title VI Coordinator, assisted by staff and the Title VI Team, has the following responsibilities:

1. Investigate Title VI complaints promptly and in accordance with complaint procedures which follows.

2. Develop a program to conduct Title VI reviews of program areas including reviewing procedures to collect statistical data (i.e., race, color, national origin, gender, age, and disability) of participants in, and beneficiaries of State highway programs.
3. Conduct annual reviews of special emphasis program areas, such as Transportation Planning, Environmental Planning, and Right-of-Way, to determine the effectiveness or program area activities at all levels.
4. Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid funds.
5. Review State program directives in coordination with State program officials and, where applicable, include Title VI and related requirements.
6. Conduct training on Title VI and related statutes for State program and civil rights officials.
7. Prepare a yearly report of Title VI accomplishments for the past year, goals for the next year and an updated Title VI implementing plan.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
9. Establish procedures for pre and post grant approval reviews of State programs and applicants for compliance with Title VI requirements such as highway location, design and location, and persons seeking contracts with the State.
10. Establish procedures to identify and eliminate discrimination when found to exist.
11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, within a period not to exceed 90 days.

## COMPLAINTS PROCESS

Any person who believes that he or she, individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a

complaint. The basis of the complaint must be (a) unequal treatment because of race, color, national origin, gender, age and/or disability, or (b) noncompliance with Title VI rules or guidelines adopted thereunder.

The Arizona Department of Transportation has the principal responsibility for processing, investigating, and resolving any complaint arising within or as a result of its operations, its contractors or its subrecipients. Complaints may be filed with the ADOT Director or Civil Rights Office, the U. S. Department of Transportation (USDOT), the Federal Highway (FHWA), the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA). ADOT will use the interdisciplinary approach and involve the Title VI Liaisons in the investigation. In the event the complaint is against ADOT, FHWA will conduct or contract for the investigation or, if a class action complaint, a review.

Complaints must be filed within 180 days of the date of the alleged act of discrimination or, where there has been a continuing course of conduct, the date on which that conduct was discontinued.

Complaints must be filed in writing and must be signed by the complainant and/or complainant's representative. The complaint must describe the facts and circumstances surrounding the claimed discrimination. If the complaint is verbal, a representative of the ADOT Civil Rights Office will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature.

When a complaint is filed directly with ADOT, the appropriate agency (FHWA, FTA, or FAA) will be notified within ten (10) working days of the allegations. The following information will be included in every notification to the appropriate office:

- Name, address, and telephone number of the complainant or representative.
- Name(s) and address(es) of alleged discrimination officials.
- Basis of complaint (i.e., race, color, national origin, gender, age, disability).
- Date of alleged discriminatory act(s).
- Date complaint was received by ADOT.

- A statement of the complaint.
- Other agencies (state, local, or federal) with which the complaint has been filed.
- An explanation of the actions ADOT has taken or proposed to resolve the issues raised in the complaint.

Within ten (10) days, the ADOT Civil Rights Administrator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available.

Within sixty (60) days, the Civil Rights Administrator will conduct and complete an investigation of the allegation, and based on the information obtained, will render a recommendation for action in a report of findings to the ADOT Director. The Transportation Division of the Attorney General's Office will be consulted during the course of the investigation and the preparation of the report.

Within ninety (90) days from the allegation's receipt, the ADOT Director will notify the complainant in writing of the final decision reached, including the disposition of the matter. This notification will advise the complainant of the avenues of appeal if dissatisfied with the decision. A copy of the decision and summary of findings will be provided to the FHWA Division Office.

All Title VI complaints will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

The ADOT Civil Rights Administrator will periodically inform the FHWA Division Office regarding the status of any complaints.

When an allegation has been directly filed with another agency, the ADOT Civil Rights Administrator will be informed and coordinate any action needed by ADOT to resolve the complaint.

If a complaint or the ensuing investigation reveals any factor, element, or omission within the Department's procedures as contributory to the situation causing the complaint, the Civil Rights Administrator will initiate prompt action to amend the procedure to preclude future complaints arising from the same cause. Procedures for promptly resolving deficiency status and reducing to writing necessary remedial action will be established within 90 days.

The Civil Rights Office will maintain a complete file on each Title VI complaint, investigation and final resolution.

Any individual having filed a complaint or participated in the investigation of a complaint will not be subjected to any form of intimidation or retaliation.

Individuals who believe they have been subjected to intimidation or retaliation must follow the procedures described above.

## TITLE VI PROGRAM AREAS

### General Guidelines

Division Directors and subordinate staff are responsible for being in compliance with the requirements of Title VI and related statutes.

If, during a review of the program area, deficiencies are found, the deficiencies will be pointed out to the appropriate liaison for corrective action. Corrective action must occur within 90 days. A follow up review will be conducted to ensure deficiencies are being corrected. All finding recommendations and progress made in implementing corrective action will be thoroughly documented.

The guidelines for conducting reviews of program areas are attached in Appendix \_\_\_\_.

### Transportation Planning

The Transportation Planning Division (TPD) is part of ADOT's comprehensive planning process. Data from various management information systems and source documents are used to enhance management operations and decision making. TPD's Planning Team conducts various studies to support the comprehensive planning process. The two primary types of studies are Multimodal Corridor Profile Analysis and Small Area Transportation Studies.

Multimodal Corridor Profile Analysis studies focus on multimodal corridors of statewide significance. The goal of these studies is to develop specific strategic that includes all transportation modes to accommodate the transportation needs in the key corridors in Arizona. Public involvement is a very important component of these studies. Open House Public Meetings are held at key points in the study process. Additionally, the scope of work specifically states that Title VI issues, including environmental justice, will be addressed.

Small Area Transportation studies are a partnership between ADOT and local jurisdictions. These studies are managed by the local jurisdictions and ADOT requires that the scope of work explicitly state the Title VI issues will be addressed as part of the development of the local jurisdictions' transportation plan. Public involvement is also a very important part of these efforts. Typically at least one member of the Technical Advisory Committee is from the general public. Public meetings are also held as a part of the Small Area Transportation study process.

The Title VI Coordinator and TPD's liaisons work closely with local officials of the Metropolitan Planning Organizations (MPO) and Councils of Governments (COG) to ensure compliance with the Title VI requirements. The Title VI Coordinator provides training, coordinates efforts with the local governments and community organizations on potential Title VI issues, and investigates complaints. The following actions may be taken by the Title VI Coordinator, with assistance from the liaison, in the planning process in order to ensure effective implementation and compliance with Title VI.

- Participate and provide local governments with Title VI information and training.
- Assist the MPO's, COG's and the community in general in establishing Title VI priorities for plans, programs and projects.
- Work closely with the MPO's, COG's and the community in general to create an awareness of the specific requirements of Title VI and especially to assure that the methods used are applied equitably to all groups of people.
- Participate in public meetings, when possible, to create an awareness of Title VI and to ensure the benefits are equally accessible to all.
- Conduct reviews of the statewide transportation planning programs to determine the process for considering community needs.
- Review public participation processes to ensure efforts are taken to reach out and encourage the participation of the transportation disadvantaged.

## Environmental Planning

The Environmental Planning Section implements and maintains an environmental planning program, in compliance with state and federal environmental and civil rights laws and regulations, to obtain appropriate environmental approval for proposed highway projects. The section researches and evaluates social, economic, and environmental impacts of proposed highway projects. Environmental documents, including mitigation for identified impacts, are also prepared and processed.

The Title VI Coordinator reviews all Environmental Impact Statements (EIS) and Environmental Assessments (EA) to ensure Title VI and environmental justice issues are addressed. Guidance on Title VI and environmental justice is attached as Appendix \_\_\_\_\_. The Title VI Coordinator, with assistance from the liaison, takes the following actions to ensure compliance:

- Monitor reports to ensure appropriate statistical data is included.
- If adverse impacts are identified, evaluate the mitigative measures to assure they are applied in an equitable manner to those people affected.
- Review public meeting and public hearing notices, press releases, advertisements, etc., to determine if all segments of the impacted communities are being notified of proposed or pending projects.
- Attend public meetings, when possible, to discuss Title VI information and to ensure the meetings are held so all segments of the impacted communities can participate.

## Right of Way

The Right of Way Section is responsible for acquiring all real property and real property rights necessary for construction and maintenance of all federal and state highways, maintenance camps, and other transportation-related purposes. Right of Way administers all matters relating to the management and disposal of all Department-owned property and the Relocation Assistance Program.

The Title VI Coordinator, with assistance with the liaison, with Right of Way to:

- Make certain persons who are being relocated are treated in an equitable manner in terms of fair payment for property acquired, relocation assistance, and timely notification of the rights and avenues of appeal. This includes providing information in other languages and alternative formats.
- Monitor procedural methods used in land appraisals, acquisitions, negotiations, selection of comparables, application of cost factors, and relocation activities to ensure activities are uniformly applied to all impacted and potentially impacted persons.
- Monitor activities to ensure minority and low-income populations are not adversely impacted.
- Monitor reports to ensure appropriate statistical information is being collected and maintained.

Engineering Consultant Services  
Project Management & Valley Project Management

Engineering Consultant Services (ECS) is responsible for preparing scopes-of-work incorporated into contracts with private consultants, assisting in the selection of private consultants, reviewing documents prepared by consultants, prequalifying consultants, and coordinating design development with other agencies. Project Management and Valley Project Management are two primary customers of ECS. Scopes of work for their projects generally include public participation.

The Title VI Coordinator, with assistance from the liaison, is responsible for the following:

- Monitoring the selection process to ensure Disadvantaged Business Enterprises (DBE's) have the maximum opportunity to participate in consultant contracts.
- Monitor prequalification requirements to ensure they are equally applied to all firms.
- Monitor scopes-of-work, when feasible, to ensure Title VI and environmental justices issues are addressed.

Contracts and Specifications

The Title VI Coordinator is responsible for the following with respect to bidding construction contracts:

- Take steps to ensure DBE's are included on the listing to receive bid advertisements for highway construction jobs.
- Monitor bid bond requirements to ensure they are applied to all construction firms.
- Evaluate all federal aid construction contracts with DBE requirements for compliance with contract specifications.
- Monitor prequalification requirements to ensure they are equally applied to all firms.

### Procurement

The Title VI Coordinator works with Procurement to ensure the process of selection consultants and/or vendors is done so in a nondiscriminatory manner. This includes research and other projects funded in whole or in part with federal funds. Procurement also participates in a variety of trade fairs to explain the process of doing business with ADOT to small businesses.

### Roadside Development/Transportation Enhancement Program

Funding is available for transportation enhancement activities or projects that add community or environmental value to a completed or underway transportation project. The funding is designed to encourage activities and projects that more creatively integrate transportation facilities into their surrounding communities and natural environment. The program is divided into two programs. One is for projects associated with the State highway system and the other for local projects.

The Title VI Coordinator works with the liaison from Roadside Development to ensure the process of selecting transportation enhancement projects is done so in a nondiscriminatory manner.

### SUBRECIPIENT REVIEWS

The Title VI Coordinator will require annual reports from subrecipients. Subrecipients include cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies such as MPO's and COG's, and other recipients

Subrecipients such as cities, counties, and planning agencies such as MPO's and COG's must submit the following information by August 1 of each year. Semi annual reviews may be conducted of larger organizations. The reports will contain the following information and will be maintained in the Civil Rights Office.

- Assurances
- Statistical breakdown of communities' populations
- Beneficiaries of projects – identify the race/ethnicity/gender/age, disability of those who will benefit from projects and, specifically, the mobility benefits such as pedestrian, bicycles, automobiles, and transit which will result
- Effects of transportation programs within the community: transportation, social, and other beyond mobility
- Process for public participation, specifically discussing efforts to reach out and to ensure participation of the transportation disadvantaged
- Composition of advisory boards having an impact on transportation programs, indicating the race, ethnicity, gender, age and disability of the members
- A listing of all complaints, claims and lawsuits alleging discrimination
- Process for identifying and eliminating procedures which result in discrimination and correcting deficiencies within 90 days
- A listing of pending applications for federal assistance

The Title VI Coordinator will review subrecipients reports to determine which reviews will be conducted during the next year.

Subrecipients such as consultants, contractors, suppliers, universities, and colleges, will maintain the following information:

- Assurances
- Statistical breakdown of organizations such as the EEO 1 report
- Information by race, ethnicity, gender, disability showing the extent to which members of minority groups are beneficiaries of programs
- A listing of all complaints, claims and lawsuits alleging discrimination
- Processes for identifying and eliminating procedures which result in discrimination and correcting deficiencies within 90 days
- A listing of pending applications for federal assistance.

## TRAINING

The Title VI Coordinator will conduct training with the Title VI liaisons, MPO's, COG's, and other interested individuals on an annual basis. All

training conducted during the year will be reported in the annual element.